

17. (New) The milk collecting device of Claim 16 wherein said pour spout is adjacent said writing area.

AS
18. (New) The milk collecting device of Claim 17 further comprising a notch at the periphery of said bag and adjacent to said pour spout to tear said bag at said pour spout so that contained milk can be poured from said bag.

REMARKS

Applicants have canceled Claims 5 and 7. Thus, Examiner's rejection of those claims is not discussed herein. Applicants have amended Claims 1, 4, 8, and 12 and 16, as well as added new Claims 17-18, as set forth above. Those claims (and their dependent claims) and the Examiner's rejections are discussed below. Reconsideration of the rejections is requested.

I. Examiner's Rejection Under § 112, Second Paragraph

The Examiner has rejected Claims 1-3 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner contends that it "is unclear as to whether the combination or the subcombination is being claimed." Applicants have amended Claims 1-3 and 16 to clarify that a milk collecting device is being claimed, which milk collecting device includes a breastpump, a bag for containing milk, and an adapter collar. The §112 rejections as to combination/subcombination should therefore be obviated. As to the Examiner's objection to the "valve" of claim 2, the use and association of the valve in the combination should also now be clarified by the foregoing amendments.

II. Examiner's Rejections Under § 102(b)

A. Wilson, U.S. Patent No. 4,950,236

The Examiner has rejected Claims 1 and 3-5 under §102(b) as anticipated by Wilson '236. Claim 5 has been canceled. With regard to Claims 1, 3 and 4, Applicants respectfully traverse this rejection.

Wilson '236 discloses a breastpump for use with a reusable shell and a disposable bag which is positioned in the reusable shell. The Examiner contends that Wilson '236 is an anticipation because it discloses a "sealable bag 13."

To be an anticipation, Wilson '236 must disclose each and every element of the claimed invention. Claim 1 (and Claim 3 by dependency), however, recites a bag having an opening "being sealed by a releasable closure." As set forth in Applicants' specification at page 5, line 33 to page 6, line 18, this limitation refers to the "unsealing" of the sealed bag, as opposed to the ability to seal the bag after milk is expressed therein. A hermetically sealed bag is thereby provided to the user. Wilson '236 does not disclose any such bag.

With regard to Claim 4, the Examiner further contends that "the outside of bag 13 may be written on." Applicant's submit that, even if true, the Wilson '236 bag does not show or suggest what Applicants have invented and claimed in Claim 4. Claim 4 recites a bag having a liquid containing portion and a writing area, with the writing area being formed integral with the bag and further being isolated from the liquid containing portion of the bag (emphasis added). [See Applicants' specification at page 3, lines 10-15 and page 5, lines 25-32]. Wilson '236 does not disclose any such "writing area" which is "isolated from said liquid containing portion." As the specification explains, an

isolated writing area is provided to facilitate ease of writing and to avoid puncturing the liquid containing portion of the bag. If one were to write on the bag disclosed in Wilson '236, neither of these goals would be met because any alleged writing area and the liquid containing portion are one and the same.

Applicants note that U.S. Patent No. 3,395,822 to Donleavy appears to be more pertinent than Wilson '236 insofar as the writing area is concerned. Figure 9 of Donleavy '822 discloses a disposable container means 12 having a region 34 which is integral with, but isolated from (via seal line 80), the liquid containing portion of the container 12 [see Col. 5, lines 3-10].

Donleavy does not suggest that this area 34 be used for a writing surface, however. Nor is it isolated from milk in the manner intended by Applicants, since the area 34 still overlies milk in the container. Applicants have amended Claim 4 to further clarify this aspect of the invention since the objective is to provide a stable writing surface which does not put the milk container at risk of puncture.

B. Yanase, U.S. Patent No. 4,600,104

The Examiner has rejected Claims 4-6, 8-10, 12, 13, and 15 under § 102(b) as anticipated by Yanase '104. Again, Claim 5 has been canceled. Applicants submit that Claims 4, 8-10, 12, and 13, as amended, overcome this rejection. With regard to Claims 6 and 15, applicants respectfully traverse this rejection.

Yanase '104 discloses a bag having a nylon inner layer and a polyethylene outer layer for storing milk in a freezer [Col. 5, line 62 to Col. 6, line 3; Col. 3, lines 8-12]. First, Yanase '104 does not teach using the bag directly with a breastpump, but rather, teaches pouring extracted milk

from the breastpump into the bag merely for storage [Col. 3, lines 4-12].

Claim 4 further recites a "writing area being formed integral with said bag and further being isolated from said liquid containing portion of said bag." Similarly, Claim 8 (and Claims 9 and 10 by dependency) recites "a writing area formed integral with said bag by said first seal and further being isolated from said liquid containing portion." Both Claims 4 and 8 have been amended to additionally clarify how the writing area remains free of milk therebelow. Yanase '104 does disclose a space 28 where notices or instructions can be printed [Col. 4, lines 65-68]. As shown in FIGS. 1 and 2, and as explained in the patent at Col. 5, lines 1-4, however, the space 28 must necessarily be detached from the bag to create a bag opening for pouring milk into the bag. Thus, unlike Claims 4 and 8-10, there is no integral yet isolated "writing area" at all in the Yanase '104 bag at the time milk is poured into the liquid containing portion of the bag. Claim 10 is further distinguishable from Yanase '104 as discussed below.

Claim 6 recites a bag having an opening where the "opening is closed by releasable means to seal said opening such that said opening can be opened for attachment of said bag to the breastmilk pump." Similarly, each of Claims 10 (which depends from Claim 8 -- see discussion above) and 15 recites a second seal which is "releasable" and "defining an opening in said liquid containing portion for attachment of said bag to the breastmilk pump, said second seal being peeled open to form said opening." In Yanase '104, when the bag is manufactured, the opening that would otherwise be present at lateral edge 5 is molded closed by pinch rollers [Col. 3, lines 55-59]. Thus, the Yanase '104 bag at its lateral edge 5 is not "closed by releasable means to seal said opening such

that said opening can be opened," as recited in Claim 5. Nor is lateral edge 5 a "second seal being releasable and defining an opening in said liquid containing portion for attachment of said bag to the breastmilk pump, said second seal being peeled open to form said opening," as recited in Claims 10 and 15. Indeed, for pouring expressed milk into the Yanase '104 bag, the bag is "opened" by tearing the bag at a defined distance from the lateral edge 5 [Col. 5, lines 1-4]. That area of the Yanase bag, which is located between the notches 9, is not an opening which is "closed by releasable means" nor can it be "peeled open."

The same reasoning applies to Claim 12, which recites a bag having "a second seal line joining said front and back sheets, said second seal line being releasable and defining an opening in said liquid containing portion for attachment of said bag to the breastmilk pump, said second seal line being peeled apart to form said opening." In addition, like Claims 4 and 8, Claim 12 recites a writing area formed integral with the bag by a first seal line and further being isolated from the liquid containing portion. Claim 12 has been amended to additionally define the isolation of the writing area.

Claim 13 depends from Claim 12 and thus the same reasoning applies. Moreover, Claim 13 additionally recites a "pour spout" with "said writing area having a common side with said pour spout formed by said first seal line." In Yanase '104, as shown in FIGS. 12 and 13, the space 28 does not have a "common side" with discharging port 83.

C. Korn, U.S. Patent No. 3,716,182

The Examiner has rejected Claims 4-8, 10-12, and 14 under § 102(b) as anticipated by Korn '182. Claims 5 and 7 have been canceled. For many of the same reasons discussed

above, Applicants submit that Claims 4, 6, 8, 10-12, and 14 overcome this rejection.

Figures 1-2 of Korn '182 disclose a bag having an opening defined by top edges 13B, and Figures 3-4 of Korn '182 disclose a bag having an opening defined by top edges 22. These openings are not sealed or releasably sealed in any way. In each of the bags of FIGS. 1-2 and 3-4 there is provided a tieband 14 and 20, respectively, and threading holes 17. The tieband 14 or 20 can be threaded through holes 17 to constrict the mouth of the bag [Col. 2, lines 34-41].

Figures 5-6 of Korn '182 disclose a bag which also has a tieband 30 and threading holes 32, wherein the tieband 30 comprises a seal at the mouth opening which is detachable from the bag along a perforated line [Col. 3, lines 8-15].

None of the bags disclosed in Korn '182 has a "writing area." Thus, Korn '182 does not anticipate any of Claims 4, 8, 10-12, or 14. To the extent the Examiner contends that any areas of the bag above the threading holes 17 or 32 may constitute a writing area, or that the bag itself may constitute a writing area, the same reasoning set forth above with respect to the Yanase and Wilson patents applies here.

Also as explained above, Claims 4 and 8 (and Claims 10 and 11 by dependency) also recite, respectively, a "spout separate from said opening" and "a spout being separate from an opening." Korn '182 does not disclose any such spout.

Moreover, Claim 10 (and Claim 11 by dependency) additionally recites a "seal being releasable and defining an opening in said liquid containing portion for attachment of said bag to the breastmilk pump, said second seal being peeled open to form said opening." Likewise, Claim 12 (and Claim 14 by dependency) additionally recites a "second seal line being

releasable and defining an opening in said liquid containing portion for attachment of said bag to the breastmilk pump, said second seal line being peeled apart to form said opening." The openings of the bags of FIGS. 1-4 of Korn '182 are not sealed at all at their openings (see also discussion above with respect to Yanase '104). Furthermore, though the bag of FIGS. 5-6 of Korn '182 has a seal 30, that seal is not "releasable" by "being peeled open." The seal 30 remains intact and cannot be peeled open. Instead, the opening in the bag is created by tearing the bag along a line of perforations 31 located below the seal 30 [Col. 3, lines 8-13].

With respect to Claim 6, the same reasoning applies. Claim 6 recites a bag where the "opening is closed by releasable means to seal said opening such that said opening can be opened for attachment of said bag to the breastmilk pump." Moreover, in Claim 6, the bag opening is "hermetically sealed." The bag of FIGS. 5-6 of Korn '182, having perforations, clearly is not hermetically sealed.

III. Examiner's Rejections Under § 103

A. Wilson '236 in View of Larsson, U.S. Patent No. 4,929,229

The Examiner has rejected Claim 2 under § 103 as obvious over Wilson '236 in view of Larsson '229. The contention is that "[t]o have provided the Wilson pump with a check valve 15 in place of valve 31 would have been an obvious substitution of equivalent parts." Applicants respectfully traverse this rejection.

Claim 2 depends from Claim 1. As discussed above, Wilson '236 does not disclose each and every element of Claim 1. Wilson '236 does not disclose a bag having an opening "being sealed by a releasable closure." Larsson '229 does not disclose any bag whatsoever. Furthermore, Larsson '229 does

not disclose a "a tubular sleeve surrounding said valve device to prevent interference with said valve by said bag material," as recited in Claim 2. Thus, the combination of Wilson '236 and Larsson '229 clearly does not teach all of the elements of the claimed invention and thus cannot render it obvious.

B. Wilson '236 in View of Korn '182

The Examiner has rejected Claim 16 under § 103 as obvious over Wilson '236 in view of Korn '182. The Examiner contends that "[t]o have provided the Wilson bag 13 with a tie as that disclosed by Korn so that the bag may be sealed would have been obvious to one of ordinary skill in the art." Applicants respectfully traverse this rejection.

Claim 16 recites a bag "having a releasable seal defining an opening." This limitation refers to the "unsealing" of a sealed bag, as opposed to the ability to seal the bag after milk is expressed therein. As discussed above, neither Wilson '236 nor Korn '182 discloses a bag which meets this limitation.

Claim 16 additionally recites a bag having a permanent seal defining a writing area formed integral with the bag, which writing area is isolated from the milk contained within the bag, as well as the permanent seal further defining a pour spout formed integral with the bag but separate from the bag opening. Again, as discussed above, neither Wilson '236 nor Korn '182 discloses either an integral yet isolated writing area or a pour spout separate from the bag opening.

Lacking all of these claimed elements, the combination of Wilson '236 and Korn '182 clearly does not teach all of the elements of Claim 16 and thus cannot render that claim obvious. Moreover, there is no suggestion to combine these references. The Korn '182 bag is of the type

"commonly used for receiving refuse" [Col. 1, lines 4-5]. Even if the bag were made small enough to fit into the reusable shell 11 of Wilson '236, or if the threading holes 17 or 32 disclosed in Korn '182 were utilized in a bag such as disclosed in Wilson '236, such a bag would be inoperative because expressed milk would pass through the threading holes 17 or 32, thereby defeating the very purpose of using a disposable bag inside the reusable shell.

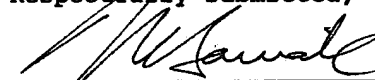
IV. New Claims 17-18

Applicants have added new Claims 17-18. Claim 17 depends from Claim 16, and Claim 18 depends from Claim 17. Claim 17 recites the "milk collecting device of Claim 16 wherein said pour spout is adjacent said writing area." Claim 18 recites the "milk collecting device of Claim 17 further comprising a notch at the periphery of said bag and adjacent to said pour spout to tear said bag at said pour spout so that contained milk can be poured from said bag." Applicants' remarks with respect to Claim 16 equally apply to Claims 17-18. Furthermore, neither Wilson '236 nor Korn '182 discloses either a "pour spout" as recited in Claim 17 or a "notch" as recited in Claim 18.

V. Conclusion

For the foregoing reasons, applicants submit that the pending Claims are patentable over the prior art and respectfully request the Examiner to grant issuance thereof.

Respectfully submitted,



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